

## WHEN SOMEONE SLIPS AND FALLS IN A BUILDING YOU MAINTAIN, CHANCES ARE YOU WON'T BE THERE TO SEE IT.

A well, thought-out plan assures that injured persons will be treated promptly, and puts you in control of the process. Kapnick Insurance Group has developed some guidelines to help you efficiently manage slip and fall accidents.



When a slip and fall happens:

### Immediately

#### 1. Offer medical attention.

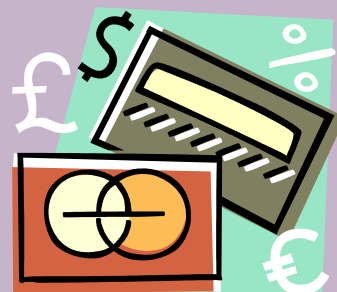
- ♦ Administer first aid at the scene. (Anything other than the most minor should be left to health professionals.)
- ♦ Call emergency service if needed.
- ♦ Suggest a medical provider for follow-up care. (For employee injuries, refer or suggest a medical provider whom you have approved in advance.)
- ♦ Always avoid discussion of "blame."

#### 2. Gather and document information.

- ♦ Name, address, phone number of injured person

## ELECTRONIC PAYMENTS: ECONOMICAL, ECOLOGICAL AND EASY

By Amy Smith, president of The Payments Authority, a not-for-profit trade association whose mission is to increase the use and awareness of electronic payments made through the Automated Clearing House (ACH) and provide educational and marketing services for the businesses that use it.



It's an odds-on bet that your paychecks are automatically deposited in your checking account. Three out of four Americans who have direct deposit available for their pay use it, and most large businesses (over 500 employees) offer it. You access your pay immediately, save time at the bank and never worry that your check will be lost or stolen.

The same system that makes life easier for you as a consumer can make life easier for your company, tenants and suppliers. You can use the Automated Clearing House (ACH), to collect rent directly from tenants' bank accounts or, with the help of your financial institution, you can scan checks and forward the information to your banking partner to either migrate the payment to the ACH or expedite the check clearing process.

For the Farmington Hills-based Village Green Companies, all 130 of their Midwestern properties allow residents to pay rent electronically, either from their bank account or credit card, using the online RentPayment product offered by Yapstone, according to Steve Bixler, executive vice president and controller. Residents pay the service fees.

"Approximately 15 percent of our residents use the online payment service," said Joe Del Serrone, executive manager of Regents Park in Troy, Mich, with 299 units. "It's a great convenience for those clients who travel or simply don't want to be bothered with having to write out a check every month." Del Serrone receives an email report from the online company showing tenants who used electronic payments -- either direct withdrawal or credit cards -- from which he manually posts the payments.

The remaining 85 percent of his tenants pay with checks but, thanks to 'remote deposit capture' capabilities, he can scan the checks and send them to his financial institution electronically. They clear within a day and show up on his bank statement as a deposit.

"I used to spend about five days a month processing approximately 250 checks. Now it's down to three," Del Serrone said. "I don't have to stamp it, manually enter it in the system and physically go to the bank."

Of course Village Green offers its employees direct deposit of their pay, and Bixler said the company is investigating paying its vendors electronically. Moving payments electronically in a business-to-business environment is a great way to reduce operating costs, but convincing vendors to send or accept electronic payments is vital to the process. Powerful benefits usually sway them: Vendors receive payment right on the due date.

*(Continued on page 7)*



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What a great line up



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## WA3 Calendar Briefs:

- ♦ **September 18 - Nova Awards Sponsored by Cort at Weber's Inn**
- ♦ **September 19 - GLAStar Awards Due at the office..5pm**
- ♦ **October 7 - Real Estate Continuing Education for the Property Management Industry at Cleary University.....New instructor and new curriculum.**



## Published By:

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### CHECK US OUT ON THE WEB:

**[www.wa3hq.org](http://www.wa3hq.org)**

## Deadline:

15th of the month for next month's publication.  
Submit all materials to  
Alice Ehn, Executive Officer

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## President's Message:

By Kelly O'Donnell

Hard to believe that our summer is almost over. Once again, I ask myself where did it go? Seems like yesterday the flowers were just starting to bloom! Hopefully you have had an opportunity to enjoy the wonderful summer we had before August hit and everyone started scrambling to get his or her rentals ready for the upcoming move ins. We had several events this summer including the Tiger Game and Beach Party. The weather for the Tiger game wasn't the greatest but we had a great time nonetheless. The beach party was a lot of fun for all; including our members children who had an opportunity to enjoy Whitmore Lake.

Nova awards are approaching fast; as they usually do this time of year! We will be judging them on September 18 at Weber's. This is a change for our usual venue but sure to be just as nice. Please make sure to have your entries in no later than 12 noon on the 18<sup>th</sup>. Winners from our local event will be sent by WA3 to the State level in Lansing at the GLAStar Awards in November. Combining both event and education is the 2 day GLAStar Conference in November (see page 6). You should all be receiving the information and invitations in the mail and your emails have been provided to the state association for them to send electronic information to you. This is a unique opportunity for all of you to be able to learn from National Speakers at a nominal cost.

Other events for the fall include, a wine reception in October at Golfside Lake, with guest speakers Irica Solomon and Mike Semko from NAA to talk about the election, federal legislative issues and PAC, the November Annual meeting where Jay Harris from First Advantage will give us a primer on how to keep ourselves safe from ID Theft and we will round the year out with the Holiday and Awards Banquet on November 4th....a Thursday this year.

Education will bring us Real Estate License Continuing Ed for those who hold a Real Estate License with the State of Michigan. This is a great class for those who are involved with Property Management as it is steered more towards topics, which are more in tune with management instead of sales. This class will be on October 7th and will be held at Cleary University off of Plymouth Rd. Make sure to sign up. Also, see page 3 for the designation classes being offered.

Looking forward to enjoying our last weeks of summer and seeing everyone on September 18 at the Nova Awards.



## EO Message

By: Alice J. Ehn

As we head into the fall with the election looming around the corner, I want to make a plea for PAC contributions at the GLAStar event this year.

The GLAStar committee is hosting the second annual silent auction to raise monies for the PMAM PAC. Please consider donating to this auction and/or bid on the auction items at the event. Each year your association is faced with a series of new state and local regulations. Your industry is particularly vulnerable to adverse action by local and state governments. Especially now when increasing revenue creatively is essential. PMAM's government affairs program is made up of three components.

1. Professional paid lobbyist David Gregory, from Kelley Cawthone and the legislative committee members at the PMAM level.
2. Active and focused member-based grassroots advocacy and outreach (this part is all your volunteer time to testify and meet with legislators and community officials)
3. A strong, well-funded political action committee to contribute to the political process.

All three components must work in unison and are essential to any government affairs program. Remember, your level of influence increases when you volunteer and contribute. The money raised through our PAC events helps us keep a strong voice at all levels of government.

*Every man owes a part of his time and money to the business or industry in which he is engaged. No man has the moral right to withhold his support from an organization that is striving to improve conditions within his sphere."*  
*President T. Roosevelt, 1908*



# Getting to Know your Board: Ed Streit, Coinmach

Your name? **Ed Streit**

Your Title? **Regional Vice President**

**Coinmach Corporation**

How long have you been a member of the WA3? **10 years +? More?**

How did you come to join the WA3?

Coinmach supports the local NAA chapters in all of the cities and states we service. I personally became involved when Mark McDonald asked me to donate a door prize for an annual meeting.

What is the most rewarding part of your position with the WA3?

I enjoy witnessing some truly talented and enthusiastic people working behind the scenes making this association meaningful to its members.

What was the last book that you read?

I wish I had read something deep and profound lately but unfortunately I read to escape and the last book I read is "Locked Rooms" by Laurie R. King. It's part of a mystery series that my wife, who is a librarian, recommended to me.

What has been your most memorable moment with the Wa3? I guess I would say that the first breakfast meeting I went to I really did not know anyone but I was welcomed by everyone I talked to and enjoyed myself much more than I expected.

What is your favorite quote or saying? There is no telling how far a person can go if they don't care who gets the credit.

What three words best describe your personality? Happy, optimistic, worrier

If you could meet anyone – who would it be and why? Bill Gates. I respect him not only for what he did with Microsoft but for his philanthropic activities. It seems like his heart is in the right



place.

What has been the best piece of advice given to you? I'm not a very religious person but the "do unto others..." thing is a great rule to live by.

What other activities do you like to do for fun? Play tennis, try to golf, and read.

What other activities, groups are you a part of? I'm a member of the board of directors of my homeowners association and a member of the Farmington Tennis Club.

What keeps you up at night? Worrying about my kids

What is your pet peeve? Complainers

## Fall Education - 2008

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(test day November 19)

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## Allison vs. AEW Supreme Court Case:

During the winter, I filed an amicus curiae brief on behalf of the Property Association of Michigan (where I serve as Legislative Committee Chair), the Apartment Association of Michigan, IREM, MHC and some other landlord and apartment industry groups in support of the landlord in an important case in the Michigan Supreme Court. The issue in the case was whether a landlord had a statutory duty to remove snow and ice from common areas (like parking lots) or else face liability should a tenant fall and injure himself.

The decision was just released. While it was a total victory for the Defendant-Landlord in this case, the Supreme Court did not go as far as we wanted in eliminating landlord's liabilities for slip and fall claims on their properties.

Landlords have a statutory duty to keep common areas "fit for the use intended by the parties." The tenant urged the Court to decide that the landlord was required to remove all snow and ice to make sure a parking lot was fit for the use intended and to prevent tenants from slipping and being injured as a result.

In a 5-2 decision, which was pretty limited in its scope, the Supreme Court held that a landlord has a duty to keep a parking lot "adapted or suited for the parking of vehicles. A parking lot is generally considered suitable for the parking of vehicles as long as the tenants are able to park their vehicles in the lot and have reasonable access to their vehicles. A lessor's obligation under MCL 554.139 (1)(a) with regard to the accumulation of snow and ice concomitantly would commonly be to ensure that the entrance to, and the exit from, the lot is clear, that vehicles can access parking spaces, and that tenants have reasonable access to their parked vehicles. . . . The statute does not require a lessor to maintain a lot in an ideal condition or in the most accessible condition possible, but merely requires the lessor to maintain it in a condition that renders it fit for use as a parking lot. Mere inconvenience of access or the need to remove snow and ice from parked cars, will not defeat the characterization of a lot as being fit for its intended purposes."

The Court also explained that "the statute does not require any level of fitness beyond what is necessary to allow tenants to use the parking lot as the parties intended." It also clarified that non-tenants could never recover because they are not in contract with the landlord. However, the status of "occupants" who reside in an apartment with the landlord's permission was not addressed, although the implication was that they would not have standing to sue.

The bottom line, in my opinion, is this: A landlord still has a duty to remove snow and ice and to make sure that common areas are in proper repair. However, cases will still be brought in the future because the majority did not agree with Justice Corrigan's concurring opinion which would have simply ended the discussion once and for all. Now potential tenant/plaintiffs will have to prove that the condi-

tion of the common area was a significant problem, and certainly, when it comes to snow and ice, it would have to be pretty severe for the tenant to recover. But this is not the end of this type of litigation and I am sure as additional cases are brought, the lower courts will struggle on a case-by-case basis to apply this case to every set of facts which come before them.

Therefore, landlords should still act reasonably to remove snow and ice from parking lots and sidewalks and to maintain them appropriately to reduce their exposure to liability.

I encourage you to read the entire opinion (including the concurrence and the dissent) at this link:

<http://courts.michigan.gov/supremecourt/Clerk/01-08/133771/133771-Opinion.pdf>

Provided by:

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# Do's and Don'ts con't:

(Continued from page 1)

- ◆ Name, addresses, phone numbers of witnesses
- ◆ Injured person's description of what happened
- ◆ Photograph scene of accident (floor, spill, etc.)

### 3. Report the accident

Notify your insurance agent of all losses, even if the information you have is incomplete.

#### Within 24 Hours

#### 1. Contact the injured person (or parent of minor).

- ◆ Communicate your concern and verify whether treatment was received.
- ◆ In all cases, avoid discussion of "blame." Assure the insured person that the accident will be investigated.
- ◆ Be alert for claimant's "expectations." Communicate them to your insurance agent.
- ◆ Make sure injured employees understand that a claim will be processed for workers' compensation benefits, in regard to medical bills, and time lost from work (if applicable).

#### 2. For injured employees, contact the treating physician.

- ◆ Provide the physician with an injury report that includes all the information you reported to your insurance agent.
- ◆ Provide the physician with a detailed description of the injured employee's current job duties.
- ◆ Communicate your desire to have the injured employee return to work as soon as possible and ensure that they know of your light duty program.

#### 3. For all accidents, determine facts and circumstances.

- ◆ Identify specific materials, equipment, or tools involved in the accident, and preserve the evidence in a safe place.
- ◆ Do not discard damaged or broken equipment involved in an accident. Preserve it in a secure place where it will not be inadvertently put into use, or destroyed.
- ◆ Develop a plan of action for preventing recurrence of a similar accident.

- ◆ Identify potentially hazardous conditions that require action on their part for accident prevention.

#### After the Accident Occurs

##### 1. Maintain an accident injury management record.

- ◆ Whatever format you choose – a paper filing system or a computer database – your records should include:
- ◆ Injury report – include all information reported to your insurance agent.
- ◆ Log of all communication related to claim.
  - Dates
  - Contact
  - Description of discussion

- ◆ For employees, information on return to work status

##### 2. Notify your insurance agent of any new information you may receive or develop.

- ◆ About the accident
  - ◆ About the injury
  - ◆ About employee work status
  - ◆ About legal representation or suit filings
- Don't let claims "slip and fall" between the cracks!*

#### Loss Reporting Tips

- ◆ Ask tenants to notify you immediately of any incident involving a fall, no matter how minor.
- ◆ Make sure your employees know what to do when a fall occurs, or if they themselves are injured.
- ◆ When an employee does not report for work due to illness, always inquire to see if the absence may be work related.
- ◆ Make sure one person is responsible for reporting all losses to your insurance agent. Cross-train a back up for that person.

#### A Note About Fraud

Slip and Fall "scams" take advantage of existing hazards, as well as staged circumstances to collect settlement sums or workers' compensation benefits. These are claims we would all rather fight than pay. However, it is often very difficult to prove something that did not happen, when a fraudulent claimant alleges it did.

You can help your insurance agent get the jump on fraudulent claims by consistently following the steps outlined in this article:

- ◆ Immediate notice of all alleged accidents – will help to identify and deny fraudulent claims.
- ◆ Gathering and documenting evidence and facts while they are fresh – will help to successfully defend litigation involving fraudulent claims.
- ◆ Having a plan for medical care – will help in getting an immediate, objective evaluation and documentation of alleged injury.
- ◆ Following consistent slip and fall management guidelines – will help to accurately identify claims that are fraudulent, versus those that have merit.

*For more information about slip and falls, or any other insurance issue, please contact Micah Teets at Kapnick Insurance Group, 888.263.4656 x 204.*



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# GLAStar is Coming:

## 6th Annual GLAStar Education Conference

Friday and Saturday, November 7-8, 2008  
Kellogg Center, East Lansing



**Featuring National Speakers:**  
Chad Hymas, Lisa Trosien, Andrew Botieri,  
Todd Hignite and Alex Jackiw

SCHEDULE:			Maintenance	Management	Leasing/Marketing	Business Partner
FRIDAY	8:15-8:45	Breakfast	Continental Breakfast and Welcome			
	8:45-9:00	Welcome				
	9:15-10:30	Session 1	<b>The Unsung Heroes of Your Community</b> Andrew Botieri	<b>Follow Up, Follow Through or Fail</b> Lisa Trosien	<b>The Ritz or Motel 6</b> Todd Hignite	<b>How to Make The Most of Your Association Membership</b> Property Management Panel
	10:45-12:00	Session 2	<b>GPR Does Not Mean "Good Product Repair"</b> Todd Hignite	<b>Inspiration: Leading with a Vision</b> Andrew Botieri	<b>Leasing and Marketing in a Recessionary Economy</b> Lisa Trosien	<b>Building Customer Loyalty - Your Competitive Advantage</b> Alex Jackiw
	12:00-1:00	Lunch	Lunch Served			
	1:00-2:15	Session 3	<b>What Do Residents Really Want?</b> Lisa Trosien	<b>Managing Four Generations in the Workplace</b> Alex Jackiw	<b>Increasing Your Occupancy Through Powerful Networking</b> Andrew Botieri	<b>Darth Vendor...Crossing Over to the Client's Good Side and Staying There!</b> Todd Hignite
	2:30-4:00	Session 4	 <b>Motivational Keynote - Chad Hymas</b> 			
	4:00-6:00	Reception	Cocktail Networking Reception Featuring GLAStar Idol Contest			
SATURDAY	9:15-10:30	Session 5	Multifamily Trends - Lisa Trosien			
	10:45-12:00	Session 6	<b>60 Ideas in 60 Minutes: Fun and Fresh Resident Retention and Management Ideas</b> Panel of Marketing Professionals and Audience Participation			
	6:00-1:00	Gala	GLAStar Awards Banquet (separate ticket required)			

Attendees are welcome to select an assortment of sessions from multiple tracks to fit their needs.

### ***Your Donation Counts!!!!***

*Please donate to the 2nd annual PAC silent auction at the GLAStar Awards event on November 8, 2008. Proceeds benefit the PMAM PAC Fund and the states legislative efforts on your behalf. Contact [mkovalas@advance.net](mailto:mkovalas@advance.net) or [kval-lie@pmawm.com](mailto:kval-lie@pmawm.com) to donate and bring your checkbook to bid on prizes. Every dollar helps represent your industries best interest.*



# Electronic Payments

(Continued from page 1)

Your financial institution should be able to answer your initial questions, help you choose the right applications and provide training. You can enter transactions manually, but the common business software products will produce an electronic file that is easily exported to your financial institution, with the clearing house handling the rest. The fees may start at around \$75 a month for businesses with few transactions.

Even small properties can benefit from accepting rent electronically. How much time does it take an employee to stamp a handful of checks and enter them one by one, or drive to and from their bank or credit union and stand in line at the teller's window? Are you losing interest by paying your vendors early or incurring penalties when you pay them late? Using the Automated Clearing House solves all those problems.

Now think about the green benefits of electronic payments. Our reliance on paper checks results in the use of more than 674 million gallons of fuel and adds more than 3.6 million tons of greenhouse gases to the environment — *every year*. This includes the cost to cut, transport and mill the paper; printing and delivering boxes of checks; and clearing and settling checks. More information on the environmental advantages of electronic banking can be found at [www.payitgreen.org](http://www.payitgreen.org).

## Livingston County Manager's and Assist Manager's Only

November 19, 2008

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October 9, 2008

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## Events:

### SEPTEMBER:




**18 - Nova Awards Night.** Bring your Nova/GLAStar entries to Weber's Inn by noon on this day for entry into the local awards. Cort is sponsoring the evening event with a light snack and drinks. Judging starts at 4:00 pm and winners are announced this evening.

Presentation of trophies is at the Holiday Award Event in December. All entries are eligible for GLAStar, but the winning entries from the local event are paid for by WA3.

**19 - GLAStar entries** are due to the local association office by 5:00 pm.

### OCTOBER:

 **7 - Real Estate License Continuing Education for the Property Management Industry.** Instructor and author: Rich George, President of NOI coach. New curriculum, Cost: \$55 at Cleary University. Check in is at 8:30, class starts at 9 and runs to 4 pm. Includes lunch.



**8 - CAMT I Module 1 and 2 (get signed up now)**



**8 - Wine Reception** 6:00 to 8:00 pm at Golfside Lake with Special Guests Irica Solomon, Director of Political Outreach for NAA and Mike Semko, Counsel/Vice President, National Lease Program for NAA. Cost: Free to members



**9 - NALP class work for Modules 1 and 2**

**9 - Manager's Only at Harbor House off of Main Street**



**13 thru 17 - EXTREEME CAM** - One full week and your done. Don't spend month after month working on this designation. Get the course work done in one week.



**15 - CAMT I Modules 3 and 4**

**22 - CAMT I Modules 5 and 6**

**23 - NALP Modules 3 and 4**

# 6th Annual GLAStar<sup>★</sup> Education Conference

**Friday and Saturday, November 7-8, 2008**  
**Kellogg Center, East Lansing**



*Enjoy two days of fun and interactive information designed to increase your property's bottom line in today's market.*

**Register by October 31  
and save  
\$10 OFF EACH TICKET!**

### Featuring National Speakers:

Chad Hymas, Lisa Trosien, Andrew Botieri,  
Todd Hignite and Alex Jackiw

**\$99** Members of DMAA, PMAMM,  
WAAA, PMAWM

**\$129** Non-members

### To Reserve Your Tickets:

**Call:** 616-531-5243

**Email:** [info@pmamhq.com](mailto:info@pmamhq.com)

**Mail:** 2675 44th Street SW #303  
Wyoming, MI 49519

Please make checks payable to "PMAM"

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